

**MINUTES OF A REGULAR MEETING  
ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF MOUNTAIN  
LAKES  
May 2, 2019**

Chair Chris Richter called the meeting to order and announced: Adequate notice of this meeting has been provided in accordance with the Open Public Meetings Act by adoption of the annual notice on January 3, 2019. Said resolution was mailed to The Citizen and The Morris County Daily Record and by filing the same with the Borough Clerk on January 7, 2019 and was made available to all those requesting individual notice and paying the required fee.

Start: 7:33PM

**ROLL CALL:**

Present: Murphy, DeNooyer, Peters, Max, Paddock and Richter

Absent: McCormick, Caputo and Vecchione

Also Present: Attorney Michael Sullivan

**REVIEW OF MINUTES:** Jake DeNooyer made a motion to approve the minutes from the April 4, 2019 meeting. Brett Paddock provided the second; the minutes were approved by voice vote by all eligible members present.

**RESOLUTION:**

Adam & Mara Kimowitz

App. #19-697

James Murphy said the recalculation of the FAR after the property was regraded and the basement above grade dropped out needed to be part of the resolution. James Murphy made a motion to memorialize the resolution with additional clarifying language added to page 2 item #4 referencing the resulting reduced FAR. A second was provided by Jake DeNooyer. The Board voted 5 to 0 to adopt the resolution with members Murphy, DeNooyer, Peters, Paddock and Richter voting in favor.

**PUBLIC HEARINGS:**

Michael Sullivan explain, to both applicants, the need for 5 affirmative votes to receive approval for their FAR variances. The Board only had 6 members present. Both applicants decided to proceed with their applications.

Carried Applications:

Jamie Cahalane

70 Tower Hill

Floor Area Ratio, Improved Lot Coverage

Height (2), Side

Appl. #19-696

Blk. 40, Lot 7

R-AA zone

Larry Korinda, a licensed architect in the state of NJ and Jamie Cahalane, of 70 Tower Hill Road, would be presenting the application. The applicant needed several variances to add a two-car garage with a deck above and entrance step to the front of the house. The existing FAR was 16.4%, they were proposing 19.37% and 13% was allowed. The FAR is inflated

because the basement is included as a story above grade. The existing ILC is 25%, the proposed is 23.2% and they are allowed 20%. There is an existing 20.3ft side yard setback to the house which will remain. The new garage will have a setback of 21.7%. The height allowed on the street fronting side is 2.5 stories/35ft, they currently have 3.5 stories/42.4ft and propose 3.5 stories/44.9ft. On the non-street facing sides they currently have 2.5 stories/37.2ft and they are proposing 2.5 stories/38.1ft where 3 stories/38ft are allowed. Exhibit A-1 was the site plan colorized to show the proposed screened porch addition. The long driveway is due to the house sitting so far back from the street. The house is unusual since the basement is out of the ground in the front of the house. The back of the 1<sup>st</sup> floor goes out to grade. They are adding a two car garage with a deck above. The current open air porch will become a screened in porch. They will remove the walkway, stone steps and some stone walls. The new front setback to the garage addition will become 177.9ft. The houses on either side of 70 Tower Hill Road are closer to the road than home.

Exhibit A-2 was a photo board consisting of 3 photos of the front of the existing house. There is no stairway to the front door. The existing house is 202.8ft from the property line. The existing garages are too narrow to be functional and cannot fit a car. C. Richter asked if this was a contributing structure. Mr. Korinda said yes it was but they are not applying under HP Ordinance because the alterations are in the front of the home.

Mr. Korinda continued the house has a story above grade so the basement counts in the FAR. The new two car garage on the right. The old one will become a storage area. The new stairs lead up to the vestibule area, you can access the new screened-in porch and terrace above the garage. Exhibit A -3, was sheet V- 1 shaded to show the depth and terracing of the new house additions. The garage floor to the 1st floor was 12ft because the new garage was dropped down to meet the pavement of the driveway. The ILC drops from 25% to 23.2% due to pavement and walkway removal. The right side setback variance is a continuation of one previously granted in 2004. The height variances are due to the extreme front building height caused by the basement being above grade and the property drop off; both create the hardship. If you drop the basement out of the calculation you would have an FAR of 13.02%; just above the allowed 13%. The benefits of the improvements to the property outweigh the detriments.

Chris Richter acknowledged the length of the driveway was the reason for the high ILC. The hardship is the house is setback 200 ft. If the house was located at the 40ft setback of you would not need the variance for lot coverage. Chris Richter asked if they considered adding some stone to the stucco foundation. Mr. Korinda said they did not but noticed the bargeboard needed to be added to the right hand side of the façade. Art Max asked what the adjacent properties were set back. They are setback 118ft and 77ft. Jake DeNooyer and Ann Peters liked the improvements.

No one from the public wished to ask questions or comment on the application.

Chris Richter was concerned the open air porch would be enclosed someday. Mr. Sullivan confirmed the applicant found it acceptable to make items 5 & 6 from Bill Ryden's letter a condition of approval and that bargeboard be added to the north façade. Jake DeNooyer made a motion to approve the application with the 2 conditions mentioned by Mr. Sullivan. A second was provided by Ann Peters. The Board voted 6 – 0 to approve the application with members Murphy, DeNooyer, Peters, Max, Paddock and Richter voting in favor.

New Applications:

Jason & Elizabeth Miner  
17 Fernwood Pl.  
Improved Lot Coverage, Floor Area Ratio

App. #19-698  
Blk. 101, Lot 89 & 4  
R-A zone

Jason & Elizabeth Miner, of 17 Fernwood Place and John Lyons, a licensed architect in the state of NJ presented the application. Jason Miner said currently the house has 3 bedrooms on the second floor. The existing three-car garage cannot be built on top of. They would like to build a new two-car garage with a 1<sup>st</sup> floor bedroom and a master bedroom and bath on the second floor. John Lyons reviewed the site plan. Two variances are needed for FAR and ILC. They will be removing some of the driveway when they go from the three-car to the two-car garage. They also plan to remove the slate sidewalk from the driveway to rear of the garage so the setback will be conforming on the left side. They will increase the size of the deck but maintain the required lake front setback. All the new construction will be behind the average front setback.

Mr. Lyons reviewed the floor plans. The existing basement has a gym which will remain. They will removed the three car garage. Once they touched the garage they were no longer a contributing dwelling. They pulled the garage area in 7ft. Chris Richter asked if they had a grade plan analysis done on the property. Mr. Lyon said they were asking for a waiver for that. The work was done and they could provide it for the Board. Mr. Richter asked that be made a condition in the resolution. The first floor bedroom will be used for guests. The proposed deck is staying in from of the lake front exception line. On the second floor they added a master suite on the right. He then reviewed the existing and proposed front elevation. They tried to keep the materials and roof line of the addition the same as the existing. The new edition is lower than the existing house. They stepped back the second floor and continued the look by adding a Juliet balconies that sticks out 4 to 5” on the left elevation. The house is a contributing structure built in 1925 by Belhall. They are less than 1% over for FAR and they have reduced the lot coverage.

Mr. Richter returned to the grade plan analysis. The basement was fully exposed in the rear but the actual basement was only 7ft height tall. Mr. Richter was concerned with the amount of the house that was out of the ground. Mr. Sullivan suggested a grade plane analysis be provided before and after construction. John Lyons said they were adding 200sq ft. and trying to keep the aesthetics of the home. Mr. Richter asked why there were stairs in the garage. The stairs allow you to bring groceries from the garage into the kitchen without having to walk through the entire house. The 200sqft is needed to be able to circulate through the house and not affect the historical home. Chris Richter thought the garage was over sized because of the staircase. He asked if they looked at other options. Mr. Lyons said they did but the different options made it look like a house with an addition. Brett Paddock asked when looking at the foundation did you find the section that joins the house to the garage would be able to hold the second floor. Mr. Lyon thought it would but they will rebuild if needed. Jake DeNooyer did not like exterior appearance of the garage addition. MR. Lyon said they did have a dormer there but it increased the FAR so they removed it. James Murphy asked what the height of the house was. John Lyon said the existing house was not changing but it was 2.5 stories and scales at 34.3 ft. Mr. Richter was concerned when the grade plan analysis was done it might shows the need for a height variance. Chris Richter wanted an existing and proposed grade plan analysis done as a condition of the resolution. Chris Richter made a motion to approve the application with that

condition. A second was provided by Art Max. The Board voted 6 – 0 to approve the application with members Murphy, DeNooyer, Peters, Max, Paddock and Richter voting in favor.

**Other Matters / Public Comment:**

FAR Form - The Board approved the changes made to the FAR calculation form.

Public – No one from the public wished to speak.

James Murphy made a motion to adjourn the meeting and Brett Paddock provided the second. The meeting was adjourned at 9:02PM.

Respectfully submitted,

Cynthia Shaw